



JUDGMENT

Court of Appeals

First District of Texas

NO. 01-18-00930-CR

KYLE DEAN KUYKENDALL, Appellant

V.

THE STATE OF TEXAS, Appellee

Appeal from the 198th District Court of Kerr County. (Tr. Ct. No. B15-684).

This case is an appeal from the final judgment signed by the trial court on August 1, 2018, which was transferred by the Supreme Court of Texas to this Court from the Court of Appeals for the Fourth District of Texas. After submitting the case on the appellate record and the arguments properly raised by the parties, the Court holds that one of appellant's convictions for failure to appear violates the Double Jeopardy Clause. Accordingly, we **affirm** the trial court's judgment of conviction for failure to appear in Count 1 and **vacate** the trial court's judgment of conviction for failure to appear in Count 2.

The Court further holds that there was error in that portion of the trial court's judgment in Count 1 that assesses attorney's fees against appellant. Accordingly, the

Court **modifies** the referenced portion of the trial court's judgment in Count 1 to delete the assessment of attorney's fees.

The Court further holds that there was no reversible error in the remaining portions of the trial court's judgment. Therefore, the Court **affirms** the trial court's judgment as to Count 1 **as herein modified**.

The Court **orders** that this decision be certified below for observance.

Judgment rendered December 17, 2019.

Panel consists of Justices Lloyd, Goodman, and Landau. Opinion delivered by Justice Lloyd.